Conference on Disarmament

English

Final record of the one thousand four hundred and seventy-third plenary meeting
Held at the Palais des Nations, Geneva, on Thursday, 13 September 2018, at 4.20 p.m.

President: Ms. Beliz Celasin Rende ..... (Turkey)

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The President: I call to order the 1473rd plenary meeting of the Conference on Disarmament. Excellencies, dear colleagues, ladies and gentlemen, thank you for returning this afternoon. I wish now to put the report of subsidiary body 4 up for adoption. May I take it that the report of subsidiary body 4 is adopted? I now give the floor to the representative of India.

Ms. Bhandari (India): Thank you, Madam President. The delegation of India had reserved its position with regard to the adoption of the report of subsidiary body 4 titled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (negative security assurances)" as contained in document CD/WP.614.

Madam President, the delegation of India is not in a position to go along with the adoption of the report of subsidiary body 4 in its current form. I will now read out our explanation of position for the formal record of this plenary session.

India has been compelled to take such a position, as its views have not been reflected in the report. We regret that, in violation of procedure, our comments were not considered and not reflected in the report before it was submitted by the coordinator of subsidiary body 4 to the Conference on Disarmament.

The delegation of India has always worked towards upholding the institutional integrity of the Conference and values the work done in 2018 in its five subsidiary bodies. Had our comments been mentioned in the report of subsidiary body 4, the delegation of India would have been more than willing to join in the adoption of this report.

The proposal made by India was the inclusion of the following text in paragraph 4, under "Substantive discussions", of the draft report: "The point was also made that negative security assurances should be designed to provide sufficient assurances to non-nuclear-weapon States against the use or the threat of use of nuclear weapons and that the Conference on Disarmament constituted the most suitable forum for negotiating negative security assurances."

While the current draft text states that the Nuclear Non-Proliferation Treaty constitutes the most suitable context for negotiating new and universal negative security assurances, the delegation of India believes that the Conference on Disarmament remains the most appropriate forum for negotiating such assurances, a view which has not been reflected in the report. This goes against the very mandate of the subsidiary body, which was to reflect faithfully and accurately all views, irrespective of the divergences.

The primary objective of our proposal is to uphold the primacy of the Conference as the world's single multilateral disarmament negotiating forum, working on the basis of consensus. Our discussions on negative security assurances took place in a subsidiary body of the Conference. Such assurances remain an important item on the Conference agenda.

Despite the utmost flexibility shown by India, which put forward several proposals, they were not found acceptable to one delegation. As a result, Madam President, the delegation of India has been compelled not to join in the adoption of the report of subsidiary body 4.

My delegation takes this opportunity to thank you, Madam President and all member States that supported the efforts made by India to forge consensus on this report.

The President: I thank the representative of India for her statement. I now give the floor to the representative of Germany.

Mr. Pilz (Germany): Thank you, Madam President. First of all, I would like to state that Germany deeply deplores that the report of subsidiary body 4 could not be adopted. As the previous statement also referred to the work of the German coordinator, I would like to give the following statement for the record.

Regarding the statement of the Indian delegation pertaining also to the work of the German coordinator of subsidiary body 4, we would like to state again that the coordinator and his team conducted the work in good faith and in accordance with the decisions

contained in documents CD/2119 and CD/2126, as well as the rules of procedure of the Conference on Disarmament.

The consolidated text of the report was presented to the secretariat and the President according to the agreed timeline after formal consultations with interested parties and due consideration of the main objectives, as voiced in the consultations.

The text thus constituted a fair and thorough reflection of the discussions of subsidiary body 4. The secretariat circulated the text in the afternoon of 31 August. No delegation indicated, upon receipt of the document, that it did not fairly reflect the discussions which had taken place. By the time objections were forwarded by one party to the coordinator, supported by another, it was, in accordance with the decision contained in CD/2119, formally no longer under the auspices of the coordinator to handle these requests, since the mandate had elapsed.

Nonetheless, the German delegation took it upon itself to work tirelessly towards accommodating the late proposals. Any allegations that due process has not been followed by the coordinator are unfounded and have to be rejected. And if there is still anybody in this assembly hall who doubts the sincerity of the efforts of the coordinator, I would like to quote from an email communication received on 1 September from the Indian delegation, which states: "New Delhi hopes our comments can be taken on board before the report is handed over to the Conference on Disarmament President; if not, we would be obliged to make them from the floor in the Conference on Disarmament." I asked the assembly whether this was to be regarded as an objection. The assessment of the German coordinator was that we were in complete agreement with the Indian delegation, as we had clearly communicated that we considered the text closed and that any comments could be made from the floor in the Conference. Thank you, Madam President.

The President: I thank the representative of Germany for his statement. I now give the floor to the representative of the United States.

Mr. Wood (United States of America): Thank you, Madam President. I especially want to thank you and your team for your efforts and those of other delegations that tried to accommodate India with regard to the subsidiary body 4 report. My delegation bent over backwards to try to accommodate India, but clearly our efforts could not end in India joining this report. It is unfortunate, but, again, I went into detail yesterday as to the concerns of the United States about some of the Indian edits. This issue was about the primacy of the Nuclear Non-Proliferation Treaty – that is what this debate was about and nothing else. It was really about the Treaty and its being the cornerstone of the non-proliferation regime. The United States wants to make sure that we continue to uphold the primacy of that regime. So, once again, thank you, Madam President and those other colleagues in the room who tried to help us get to an outcome on this before, but unfortunately, we were not able to achieve that.

The President: I thank you. I now give the floor to the representative of India.

Ms. Bhandari (India): Thank you, Madam President. I have asked for the floor to respond to the remarks made by the delegation of Germany and by the delegation of the United States of America.

Firstly, the delegation of Germany – once the report was circulated by the coordinator on 31 August, with no deadline for receiving comments, we tried to reach out to the German delegation. We made our best efforts because we had comments on the report but could not reach the German delegation. We sent three emails. We tried to contact them on their mobile telephone, which was unreachable, and we also tried to reach them ourselves on their telephone at their residence. We were told that no comments would be entertained at that point in time. Nevertheless, we subsequently provided a detailed email providing our comments on 1 September and expressed the hope that our concerns could be addressed. Otherwise, we would be obliged to express them from the floor.

However, this email of ours, like all of our emails, for that matter, was not acknowledged, nor was it responded to by the delegation of Germany, and our proposals were not considered or reflected in the report. A couple of days later, without any intimation to us, the report was handed over as such to the Conference on Disarmament

through you, Madam President. Therefore, the coordinator of subsidiary body 4 and his team violated procedure by completely disregarding our proposals and not even providing us with an acknowledgement of our proposals. This goes against the very mandate of the subsidiary body, which is to reflect faithfully and accurately all views expressed by member States. The delegation of India had never given its consent to the report submitted by the coordinator of subsidiary body 4 to the President, and we had made our concerns known to the coordinator before its submission to the Conference.

Now, to respond to the delegation of the United States of America. Madam President, as you are aware, yesterday we all convened an informal plenary session at which the delegation of India presented a proposal to all delegations. This proposal was, in fact, from our side, a fourth proposal which demonstrated our utmost flexibility to reach consensus. Objections were raised to this proposal circulated by us in the room by one delegation only. Had this very reasonable proposal from our side been reflected in the text, we would have been more than willing to join the consensus, but that was, unfortunately, not the case.

Therefore, Madam President, the whole point is that the delegation of India was at no point in time, either before the report was submitted to the President or after, given an opportunity to have its position reflected in the text. We refrained from tinkering with the existing language in the text, as we respect the right of other delegations to reflect their positions. In return, it would have been only fair and just if India, too, had been given an opportunity to present its views and have them reflected in the report.

I would also like to add, Madam President, that the primary objective of our proposal was to uphold the primacy of the Conference, which is the world's single multilateral disarmament negotiating forum working on the basis of consensus. Our discussions on negative security assurances took place in a subsidiary body of the Conference, and negative security assurances remain an important item on the Conference agenda, while the current draft text states that the Nuclear Non-Proliferation Treaty constitutes the most suitable context for negotiating new and universal negative security assurances. The delegation of India believes that the Conference remains the most appropriate forum for negotiating negative security assurances, and this view was not reflected in the report.

Therefore, Madam President, it was merely an issue of including the view of India in the report without affecting the positions of other delegations. As a result, we were compelled not to join in the adoption of the report of subsidiary body 4. I thank you, Madam President.

The President: I thank the representative of India for her statement. I now give the floor to the representative of Pakistan.

Mr. Jadoon (Pakistan): Thank you very much, Madam President. Let me begin by expressing our appreciation and gratitude for the manner in which you have handled this very delicate matter. You were very patient and transparent and despite there being no role envisaged for you as the President in this matter, you took on this responsibility and showed leadership, and your delegation and your team were very helpful in trying to facilitate a compromise. Unfortunately, it was not to be.

We also note the views that were expressed by the delegation of our distinguished coordinator, Ambassador Michael Biontino of Germany, a very accomplished and distinguished diplomat, and we also note the comments by India and the United States.

My delegation is deeply disappointed that it was not possible to achieve consensus on the report, but we also wish to place on record that the issue of effective international assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons, also known as negative security assurances, is an integral part of the agenda of the Conference on Disarmament and that developments today do not in any way affect that. The issue of negative security assurances flows directly from the Final Document of the consensus outcome achieved by the first special session of the General Assembly on disarmament as well as the Final Document of 1978, and there have been numerous resolutions of the General Assembly over the years that have been adopted by an overwhelming majority on this issue. In fact, the issue of negative security assurances has

been on the Conference's agenda from its very first session in 1979. It is also recognized as one of the so-called four core items. Therefore, the developments today do not constitute any precedent, nor do they prejudice the further consideration of this issue, whether in the framework of a comprehensive and balanced programme of work or in any other framework for informal discussions or formal discussions, such as the subsidiary bodies, the schedule of activities or the working group on the way ahead.

It is most unfortunate and regrettable that due to certain procedural glitches, miscommunications and inflexible attitudes, a minor amendment that was very factual and that only sought to reflect the views of one or two delegations, very substantive views, could not be considered.

As I mentioned in the last meeting, Pakistan supported each of the four amendments that were proposed by India, the last one with a minor modification because we thought it reflected our point of view, which was ignored in the original draft submitted by the coordinator on his own behalf. Nevertheless, we were willing to overlook that, and in the spirit of compromise and flexibility, we are ready to join the consensus, and I restate that now, even without the addition of the Indian amendment and this intervention notwithstanding, we are ready to join the consensus on the text as it currently stands. This, we thought, would have been a very positive step to advance the discussions on all the items on the Conference agenda in a balanced manner. I just wanted to make all these points for the record. Thank you, Madam President.

The President: I thank the representative of Pakistan for his statement. I understand there is no consensus on the subsidiary body 4 report. The report is not adopted. This will be reflected in the annual report.

That concludes our business for this afternoon. The next plenary meeting of the Conference will be held tomorrow, Friday, 14 September, at 10 a.m., in the Council Chamber. This meeting is adjourned.

The meeting rose at 4.35 p.m.